



CALIFORNIA

Technician/AGR
Administrative
Instruction

National Guard Technicians - CAL NG Active Guard/Reserve

MILITARY DEPARTMENT

**P. O. BOX 269101
Sacramento, CA 95826-9101**

NUMBER

01-40

1 November 2001

**EMERGENCY HIRING FLEXIBILITIES
APPOINTMENT AUTHORITY EXCEPTIONS
(EXPIRES 30 SEPTEMBER 2002)**

1. Reference NGB-HR memorandum, dated 20 September 2001, SUBJECT: Emergency Hiring Flexibilities - Appointment Authority Exceptions (HR-01-073). The attacks on the Pentagon and the New York World Trade Center have caused our country to place all military installations on high alert. We have received guidance from the Office of Personnel Management (OPM), Department of Defense, Civilian Personnel Management Service (CPMS), and National Guard Bureau (NGB) regarding appointment exceptions for competitive service positions, to include Non Dual Status (NDS) positions.

2. Non-Dual Status (NDS) Appointment Authorities: These appointments are exceptions to traditional competitive appointments. All NDS appointments made must be against a valid NGB approved NDS position description. Dual Status (DS) position descriptions without a NDS counterpart cannot be filled unless a NDS position description is established. Contact the Workforce Management Branch, Ms. Alicia Gayle (Army) or Mrs. Barbara Chiodo (Air) at DSN 466-3359/3491, respectively concerning NDS position descriptions. These authorities enable you wide latitude when considering NDS candidates for your various vacancies. Appointments under these authorities are exempt from the mandatory placement provisions of the Defense Priority Placement Program.

a. Temporary Emergency Need: Under 5 CFR 213.3102(i)(3), you are authorized to fill on a temporary basis for up to 09/30/2002, positions affected by or needed to deal with the aftermath of the recent attacks.

b. 30-Day Critical Need: Under 5 CFR 213.3102(i)(2), you may make 30-day appointments. Appointments under this authority can be extended for one additional 30 day time period only.

3. Voluntary Separation Incentive Pay (VSIP) Waiver: In response to a Defense Department request, OPM has waived the voluntary separation incentive pay (VSIP) repayment for temporary re-employment of former Federal employees who separated within the last 5 years. OPM has utilized its authority to waive the VSIP repayment requirements under 5 CFR Part 576. This applies to placement in either NDS or DS positions. For those individuals who are rehired the following information is required during the appointment process:

a. Name, grade, title and classification series.

b. Period the employee worked under this exception.

c. Reason(s) why the employee was essential to this effort.

d. Name and location of the agency (Department of Army or Department of Air Force) that paid the VSIP, as well as the statute under which the VSIP was paid.

Note: Several non-Defense buyouts, such as buyouts under Public Law 104-208, did not provide the VSIP repayment waiver option. It is the responsibility of the Human Resource Office to determine if the applicant's VSIP is under an authority, which permits waiver of repayment (Refer to <http://www.cpms.osd.mil/icuc/attacks/RepaymentOptions.pdf>).

4. Re-employed Annuitants: In addition, OPM has delegated exception authority for dual compensation limits for the temporary re-employment of former Federal employees who have retired in order for agencies to deal with emergency situations or to supplement their workforce. Persons being considered for exceptions must be the only qualified candidates available for the positions and possess expertise and special qualifications. OPM and DOD have delegated the authority to waive dual compensation limits for temporary positions to agency headquarters who further re-delegates it to the Human Resources Officer. The Human Resource Office must maintain a record of each approval and make these records available to the OPM upon request for 3 years following the approval date. Accordingly, hiring of annuitants is subject to the following conditions:

a. Noted problems that exist with staffing a temporary position that executes security, rescue, and investigative functions and/or functions such as those required to take urgent actions and/or to further protect the country.

b. Requests for exception to policy should be considered on a case-by-case basis only for temporary positions with not-to-exceed dates of September 30, 2002.

c. The annuitant must have declined an offer to take the position without an exception to policy.

d. Requests for exceptions to policy must be in writing and include the following:

1. Annuitants name, civil service retirement number and his/her statement declining employment without a waiver;

2. The position's title, series, pay plan, grade, NTE date and location; and

3. A brief statement describing how the position's duties directly and solely support the state's response to the attacks or its aftermath.

5. These appointments must be made without regard to political, religious, labor organization affiliation or non-affiliation, marital status, race, color, sex, national origin, non-disqualifying handicap, or age. Technicians hired under the guidance of this memorandum are afforded the same rights, opportunities and privileges of other National Guard Technicians with similar status.

6. Direct questions concerning this TAAI to SMSgt Michael Hunt at CAGNET 63354, DSN 466-3354 or (916) 854-3354.

FOR THE ADJUTANT GENERAL:

JEFFREY D. STUARD
Colonel, CA ANG
Director for Human Resources

DISTRIBUTION:

Army: TA

Air: TA